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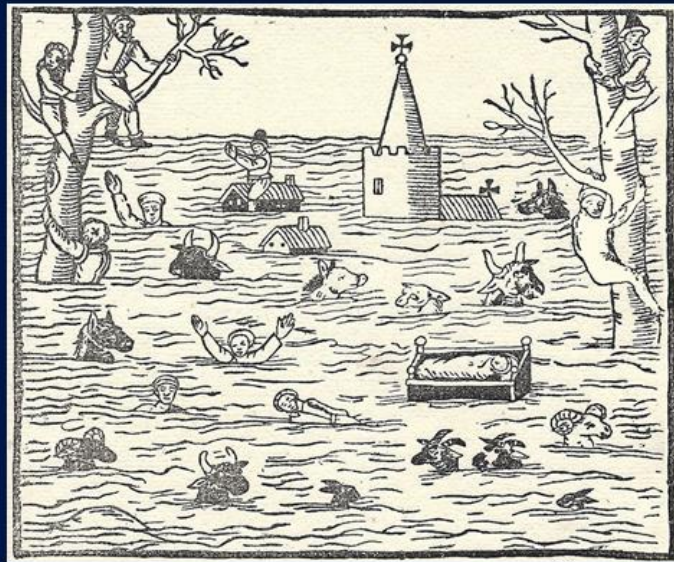
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GLOUCESTERSHIRE RECORD SERIES
VOLUME 35

THE GLOUCESTERSHIRE COURT OF SEWERS
1583–1642

Edited by Rose Hewlett



The Bristol and Gloucestershire Archaeological Society

The Bristol and Gloucestershire Archaeological Society
Gloucestershire Record Series

Hon. General Editor
Dr J D Hodsdon FSA

Extract – full printed volume available via www.bgas.org.uk

Volume 35

THE GLOUCESTERSHIRE COURT OF SEWERS, 1583–1642

[*Extract from*]

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1583–1642

Edited by Rose Hewlett



A True Report of certain wonderful Overflowings [etc]; woodcut from E. E. Baker (ed.)

The Bristol and Gloucestershire Archaeological Society

2020

The Bristol and Gloucestershire Archaeological Society
Gloucestershire Record Series

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PREFACE AND ACKNOWLEDGEMENTS

I am very grateful indeed to the Bristol and Gloucestershire Archaeological Society for the opportunity to bring an important, but previously under-appreciated, set of Tudor and Stuart records to wider notice by facilitating their publication during the preparation of my University of Bristol doctoral thesis, ‘The 1607 Severn Estuary flood: A true report’.

The Gloucestershire Court of Sewers manuscript records, especially volume one, are not for the faint-hearted, and perhaps that is why they have been overlooked by most local and family historians. Mention the word ‘sewers’, and I am generally greeted with a wry smile and a knowing look – the world outside the levels and moors of Gloucestershire (and for that matter those of Somerset and Gwent and Lincolnshire’s fens) has little knowledge of a local government system that has managed the complexities of land drainage and sea defence for centuries. The late Rick Turner and I shared a passion for the language of the Severn Estuary Levels, or ‘Levels Lingo’ as he termed it. To the many that have added words and definitions to my ‘DITCHionary’ (a work in progress) I offer my thanks. Only terms relevant to these records have been selected for the glossary.

By happy coincidence, Vicky Thorpe retired from Gloucestershire Archives at just the right time, and she has worked tirelessly to check my transcription, provide guidance on difficult text and translate Latin phrases. I am also hugely indebted to James Hodsdon for his support and enthusiasm to bring records rich in personal names, place-names and topographical features to a wider audience. At his suggestion, I extended the range of this edition beyond my original plan, and thus the first four volumes of records are presented here, allowing the events of 1607 to be seen in a longer context.

Many others have given their expertise to this project, notably Jill Barlow, John Chandler, Richard Coates, Karen Davidson, James Druett, Christopher Dyer, Jim Pimpernell, John Simpson, David Smith, James Thomas, Martin Watts, Ray Wilson and Peter Yardley, together with the staff of Gloucestershire Archives, Staffordshire Record Office and The National Archives. The Berkeley Will Trust kindly permitted access to Berkeley Castle Muniments, an invaluable resource. I am delighted that Geoff Gwatkin agreed to draw maps which provide an overview of the area covered – we both hope they will encourage users of this edition to visit the Levels in person, and discover how much of the drainage infrastructure remains today, contributing to a still distinctive landscape.

I am proud to be an elected member of the Lower Severn (2005) Internal Drainage Board, itself a lineal descendant of the Gloucestershire Court of Sewers. Today, the Board manages land drainage and flood risk in the area covered by these records, and values local knowledge just as the Gloucestershire commissioners did four centuries ago. Careful stewardship has led to the preservation of an extensive collection of records, now held at Gloucestershire Archives. Among these are the splendid maps commissioned in 1835 which have been made available on the Know Your Place website.

Finally, I would like to record my appreciation of the encouragement, support and advice I have received from my supervisors at the University of Bristol, Evan T. Jones and Peter Coates. Peter describes my thesis as ‘revisionist’, a reflection of the central role played by these records which reveal the condition of the sea defences and land drainage mechanisms before and after the 1607 flood, and local attitudes towards their management.

This publication would not have been possible without the generous financial assistance of the Bristol & Avon Family History Society (in memory of Ron Lewin who was Vice President of that Society), the Gloucestershire Family History Society, and the Lower Severn (2005) Internal Drainage Board.

Errors, misreadings, misunderstandings and omissions in the text are, of course, my responsibility.

Rose Hewlett

Frampton on Severn
June 2020

ABBREVIATIONS

1835 map	GA D272/9/1–3 (Court of Sewers maps); also on the Know Your Place website
ac	acre(s)
BA	Bristol Archives
BCM	Berkeley Castle Muniments
BGAS	Bristol and Gloucestershire Archaeological Society
<i>Cal. Close</i>	<i>Calendar of Close Rolls preserved in the Public Record Office</i> (HMSO, 1892–1963)
<i>Cal. Pat.</i>	<i>Calendar of the Patent Rolls preserved in the Public Record Office</i> (HMSO, 1891–1982)
ft	foot/feet
GA	Gloucestershire Archives
ODNB	<i>Oxford Dictionary of National Biography</i>
in	inch(es)
Know Your Place	www.kypwest.org.uk (follow ‘Gloucestershire’, ‘Basemaps’, ‘1835 Court of Sewers’)
<i>OED</i>	<i>Oxford English Dictionary</i>
p	perch(es)
SRO	Staffordshire Record Office
TNA	The National Archives
TBGAS	<i>Transactions of the Bristol and Gloucestershire Archaeological Society</i>
yd	yard(s)

SAINTS’ DAYS AND FEAST DAYS USED IN THE RECORDS

All Hallows’ Day (<i>Allhalland Day</i> , <i>Allhallanday</i>) - 1 November	Purification of the Virgin Mary - 2 February
All Saints - 1 November	St Andrew’s Day/St Andrew’s tide - 30 November
<i>Allhallowtide</i> - the period around All Saints Day - 31 October to 2 November	St Bartholomew’s Day - 24 August
Annunciation of our Lady/the Blessed Virgin Mary - 25 March	St James’ Day/St James’ tide - 25 July
Birth Day of our Lord God - 25 December	St John the Baptist - 24 June
Candlemas - 2 February	St Luke’s Day/St Luke’s tide - 18 October
Christide, Christmas - 25 December	St Michael the Archangel - 29 September
Lady Day/our Lady Day - 25 March	St Thomas’ Day - 21 December
Lammas Day - 1 August	Twelvetide (<i>Twelfetyde</i>) - 5 January, the twelfth day after Christmas. Twelvetide could also mean the twelve days of Christmas which start with Christmas Day
Michaelmas - 29 September	Whitsuntide - the weekend including Whitsunday, or the week beginning on that day, Whitsunday being the seventh Sunday after Easter Day
Midsummer Day - 24 June	
Nativity of our Lord God - 25 December	
Pentecost – Whitsunday, the seventh Sunday after Easter Day	

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GLOSSARY

This glossary is drawn from the editor's ongoing collection of terminology, which in turn builds on the work of the late Rick Turner, who was instrumental in the development of 'Living Levels', a 2018-21 project aimed at recapturing the historic landscape of the Gwent Levels. Definitions are taken from current, historical and dialect dictionaries, other reference works, documents, and personal communication. Many words have multiple meanings, some now obscure and/or obsolete. The glossary also includes other terms occurring in these records which, while less technical, may nevertheless be unfamiliar. *Italic* indicates a cross-reference within the glossary.

aforme: afore; in front of

allowance hole: a hole in the *arch wall* at Oldbury Mills that set the height of tidal water allowed to pass through into the *mill pound*

amend: to rectify (a fault); to repair or make good

amerce: to punish (an offender) for non-compliance with an *order* by means of a financial penalty known as an amercement

arch: an arched bridge at a *gout* or *outfall* which incorporated top-hinged *tide flaps* or *doors*

arch wall: a sea defence found at Oldbury on Severn comprising a stone-built arched wall with built-in top-hinged *tide flaps* or *doors* (*weather gates*), an *allowance hole* and *inner gates*

articles: the rules and regulations set by the 1531/2 Statute of Sewers

at the shear: (designating the distance) from bank to bank of a ditch or *reen* once the vegetation has been cut

athwart: across from

avoid: to empty or void; to get rid of

back ditch: a *ditch* landward of and parallel to a *sea wall* – see *wall pill*

backside: premises belonging to a house, farmstead etc situated behind the main building including gardens, fields, outbuildings etc

bail: to confine

bench: a small ledge or terrace breaking the continuity of the slope

bottom: to clean out (a *ditch* or *reen*) thoroughly back to its clay core

bower: (probably) a closed-in area (the term is used in connection with Oldbury Mills where it appears to be seaward of the *arch wall* and in between the *splays*, and also at the nearby wain bridge)

breach: a ruptured part of a *sea wall* that allows tidal water to enter

butt: to abut, border

cast: to throw up with a spade or shovel, especially when cleaning all the silt out of a *ditch* back to the original profile (desilting)

causeway (also *calcy*, *caulsey*, *causey*): a raised passage across low-lying lands

cheeks: a pair of side pieces in a structure (often forming part of a *gout*) – see *splays*

circuit: the journey of judges or other persons through certain appointed areas for the purpose of holding local courts

cleanse: to clean out a *reen*

clerk of sewers: an officer appointed by the commissioners of sewers responsible for the commission's administrative processes

coffer (or coffin) gout: a *gout* named after its manner of construction; built when one *reen* crosses another

- common reen (also *reene*, *rheene*, *rien*, *ryen*, *ryne*): a *reen* for which a parish or tithing, rather than an individual, had responsibility
- common sea wall: a *sea wall* for which a parish or tithing, rather than an individual, had responsibility
- cow patch: an area of erosion created by cattle on the surface of a *sea wall*, etc
- cow path (also *cowpath*): a path made by cattle that erodes the *sea wall*, etc
- crib (also *cribb*, *cribbe*): a breakwater, usually one made either from wood, stone or a sunken boat filled with stone
- cribbed: (of a *sea wall*) provided with some sort of protective structure; *cribbed at the foot* having a protective structure on the seaward side
- crook (also *croke*, *crooke*): a turn or bend in a *sea wall* or stream, etc
- crooked and poused: designating a structure formed from thorns and briars or brash worked together (by pousing) and fastened firmly to the ground using a bent or curved framework (by crooking)
- cut: a deliberate narrow opening made through a *sea wall* to evacuate water lying behind it
- damnified (also *dampnified*): causing loss; bringing destruction or ruin
- dedimus potestatem*: a writ empowering an individual who is not a judge to act in place of one
- default: failure to do something required or expected
- dig a *pill*, *reen* or other *watercourse*: to dig out excess mud or silt from (a *reen*, etc), as a maintenance procedure
- dike: a *ditch*, trench or hollow to convey or hold water; an embankment formed by throwing earth out of a *ditch*; a dam thrown up to resist encroachments of the sea
- dirupt (also *dirupte*): rent asunder, burst open (e.g. the breaking of *sea walls* by the rage of the sea)
- distrain: to levy a distress on (a person) (e.g. by sale of goods) to satisfy a debt
- ditch: a *watercourse* or channel of either artificial or natural formation; a bank or mound formed by the earth thrown up in digging a hollow or *trench*; an embankment
- door: a wooden flap to close a *gout* against tidal ingress
- door jambs: the side posts of a *gout door* assembly
- drain: a natural *watercourse* which drains a tract of country; an artificial conduit or channel for carrying off water, etc
- drashing hook: a long-handled curved blade used for clearing vegetation from the bed of a *reen*
- drift: the act of driving cattle within the precincts of a place on a particular day, to determine ownership and levy fines etc
- drift place, drift shard (also *drift sheard*): a gap in an inclosure, especially a hedge or bank, that forms part of the route of a *drift*; perhaps also applicable to a route over a *sea wall*
- drove shard (also *drove sheard*, *drove shearde*, *droveshard*, *drovesheard*): a gap in an inclosure, especially a hedge or bank, that forms part of a drove way
- eland: see *yealand*
- engine (also *ingen*): a machine, contraption or mechanism
- estreat: a true extract or copy of an original record (especially of fines or amercements)
- estreated: enforced by the fine or forfeiture
- exemplified: copied out or transcribed; especially designating a certified copy or transcript of a legal document attested to be correct
- exonerated: relieved from the burden of duty, obligation or fine
- expenditor: a person who has charge of expenditure
- face: to cover (the surface of a structure) (e.g. *facing a sea wall* with stone or turf to strengthen it)
- farm: to land let out on lease
- farmer: a person who rents or has a lease of land
- fence: an inclosure or barrier (e.g. a hedge, wall, railing, palisade, etc)

- fisherne, fishgarth (also *fishgarthe*, *fishgat*): a garth or inclosure on a river or the seashore for preserving fishes or taking them easily
- floodgate (also *flud gate*, *fludd gate*, *fludgat*, *fludgate*): a gate or gates that may be opened or closed to admit or exclude water, a *sluice*: the term was sometimes applied to the *inner gates* and *weather gates* at Oldbury Mills
- flott shard: a gap in an inclosure, especially a hedge or bank (probably similar to a *wainshard* or *drift shard*, but it is uncertain whether ‘flott’ refers to a ‘float’, a deep cart with large wheels for the conveyance of livestock, or a ‘flote’, a herd of cattle)
- foot stile: see *stile*
- footed: having rough stones or other material laid as a foundation for a *sea wall*
- fortification: (of *sea walls*) strengthened or fortified either internally or externally
- fortify: to strengthen structurally (used in connection with *sea walls*)
- fresh: water flowing through the drainage system towards the sea
- frett: a small breach in the *sea wall*
- ganle (also *ganll*): a small breach in a *sea wall*, perhaps an opening or crack
- gout (also *gote*, *goute*, *gowt*, *gowte*): a channel that takes water through a structure to the sea (in these records, the term *gout* is used on the *Lower Level*, and *through* on the *Upper Level*); a *sluice* or *floodgate*; a covered *drain* or culvert
- gout door: see *door*
- gout wall: the embankment or *sea wall* that runs up to the *gout*
- grate: a wooden framework to collect debris seaward of a *gout door*
- grip: a shallow spade-dug gully in the surface of a field to aid drainage
- gullet: a small stream
- gutter (also *guttar*): a small natural or artificial *watercourse*
- half ditch: one side of a *ditch* (used to denote responsibility for maintenance of this)
- half perches of reene: see *half reen*
- half reen: one side of a *reen* (used to denote responsibility for maintenance of this)
- ham (also *hame*): a pasture or meadow enclosed by a *ditch* or near a river
- hanged flapwise: hinged at the top
- haven: a sheltered body of water along the coast or shore where ships or boats can moor or anchor; a harbour; a port
- head of the gout: see *pillhead*
- hebbing (also *hebbyng*): a *weir* for detaining fish on the ebb-tide
- heck (also *hecke*): a grating or frame of parallel bars designed to catch fish at a *weir*
- hedge: a line of material forming a barrier, boundary or partition; a barrier, defence; a means of protection or defence (often woven fencing)
- hollow (also hollow tree): an early form of pipework made from a piece of hollowed-out timber used to convey water through culverts (*gouts*) and at *stanks*
- impanel: to enlist or enrol a person as a member of a jury
- in the clear: to the extent that a *reen* or *gout* is clear of vegetation from bank to bank
- in the floor: to the bottom of the *watercourse*
- inner gates: wooden gates on the landward side of a *gout* or *through*
- itch: an increase or addition (probably derived from *eche*: a piece added) – see *new itch*
- lacerated: torn apart or cut, especially used to describe damaged *sea walls*
- lake: a small stream of running water; a channel for water; a *reen*
- let (also *lett*): a hindrance, stoppage or obstruction; an impediment
- line: to strengthen, reinforce or fortify (a wall) by placing stone or other materials along its side

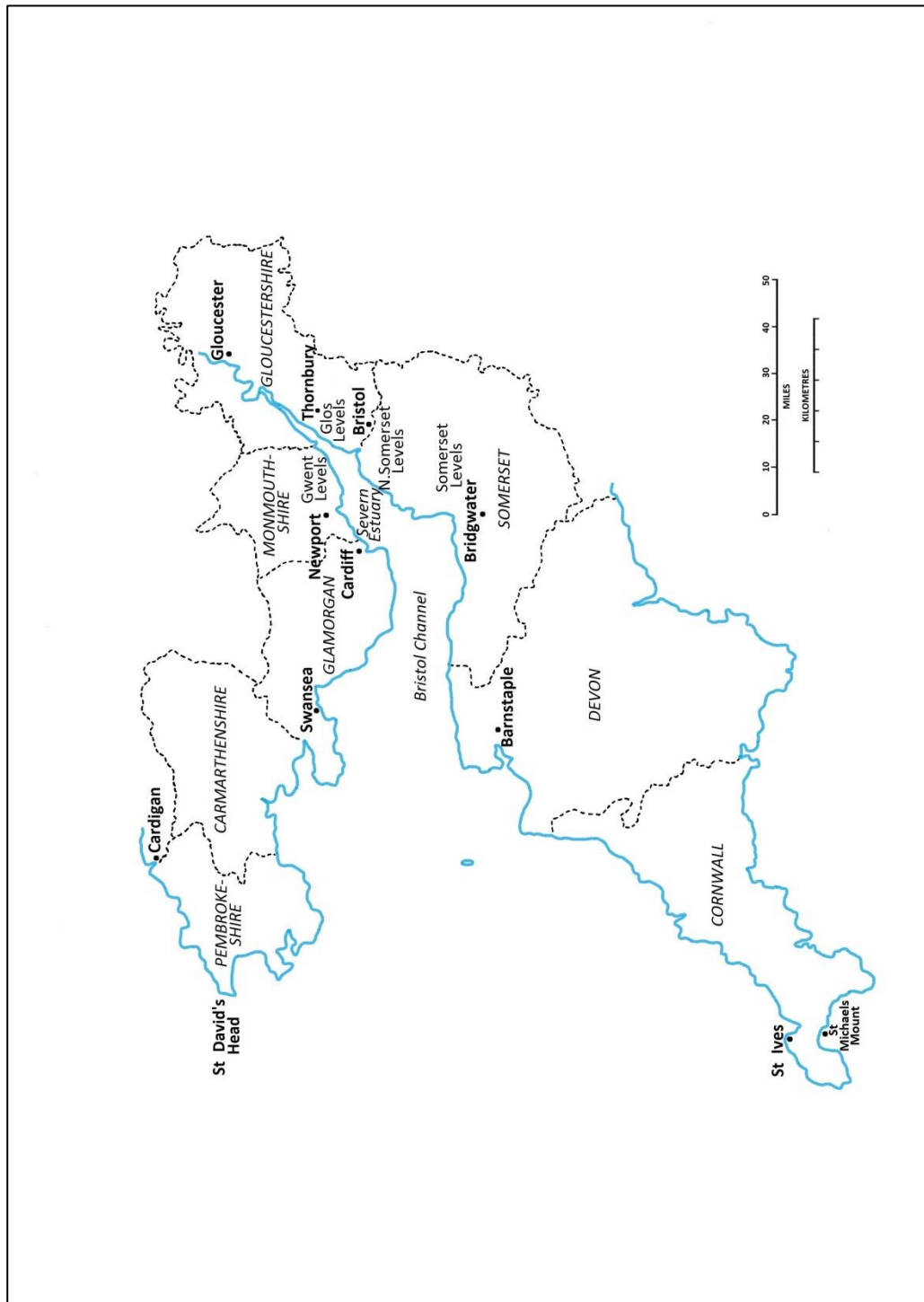
- lock (also *locke*): a barrier built across a river to increase the depth of water for navigation
- Lower Jury: the jury for the Lower Level
- Lower Level: the low-lying area within the jurisdiction of the commission of sewers between Shirehampton/Hung Road or King Road and Aust
- lugg: a measurement of length; a pole or perch, the length varying according to local custom
- main reen: a primary open *ditch* or *reen*
- make a *pill*, *reen* or wall: to make good; to undertake maintenance on (a *pill*, wall etc)
- mark: a monetary unit worth 13s 4d (equivalent to two-thirds of a pound sterling)
- millard (also *millner*, *milner*, *myllard*, *mylner*): a miller
- milldam (also *mill dam*, *mill damp*, *myldam*): a dam built across a stream to interrupt its flow and raise the level of water in order to turn a mill wheel; the body of water held in check by such a dam
- mill pound (also *myll*, *mylne pound*): an area of impounded water which supplies a mill wheel
- mill pound (also *myll pounce*) gates: the *inner gates* at Oldbury Mills
- moulter: to erode
- mud wall (also *muddwall*): (probably) a sea wall of a similar composition to a cob wall (e.g. mud, gravel, straw, etc)
- new itch (also *newe itche*, *yche*): a new length (the term generally applied in these records to a new length of *sea wall*; also a new length of *warth*) – see *itch*
- nook (also *nooke*): a corner
- order: a direction made by the commissioners of sewers following a *presentment* from the jury
- outfall: the place where draining water flows out of a *reen* or other *watercourse* into a larger body of water (e.g. the Severn)
- outfold (also *outfolde*): a fold or small field lying at a distance from a farmhouse
- over against: opposite
- overhanged flapwise: hinged at the top
- overtop: coming over the top of (the *sea wall*)
- pain: a penalty or fine imposed for failure to undertake an *order* of the court
- parrock (also *parocke*, *perrock*): an enclosed area of ground, a small field or paddock, especially one close to a farmhouse
- pill (also *pille*, *pyll*, *pylle*): a tidal inlet or creek on the coast; (also) the section of tidal water between a main *pill* and a *gout* on a tributary *watercourse*
- pill door: see *tide gate*
- pill side (also *pille side*, *pille way*): a *wain way* or track beside a *pill*
- pillhead: the point at which a *pill* ceases to be tidal; a structure within the *pill* that prevents tidal ingress (e.g. a *gout*)
- pound (also *pownde*): a body of water confined by a dam or similar structure
- poused: see *crooked and poused*
- precept: a written *order* or warrant that requires the carrying out of a legal process
- precinct: a district over which a person or body has jurisdiction
- presentment: the act of laying before a court a formal statement of some matter to be legally dealt with (presentments were prepared by the surveyors and jurors and generally included details of the default, the remedy, those responsible, and the cost and suggested timescale for completing the works)
- purge: to clean; to clear of waste matter
- the Quorum: a select group of justices of the peace within their county, many of whom were experienced in law, although some were appointed because of their status
- ranges (also *rainges*): rows; lines
- rate: a charge per acre set by the commissioners of sewers to cover the general running of their court business and other expenses of the commission

- rear: to construct, especially by building up; to raise
- receiver: a person who has charge of collecting dues
- reen (also *reene*, *rene*, *rheene*, ~~*rheene*~~, *rien*, *ryen*, *ryne*): a large open *ditch* or drain
- respected: respited; postponed, suspended
- respited: suspended; adjourned
- ribbed: strengthened, reinforced, or enclosed with ribs (e.g. a supportive framework)
- rid: to clear grass, weeds, briars and other vegetation from (a *ditch* or *reen*)
- salt: a marsh overflowed or flooded by the sea, especially one in which the sea water is collected for the manufacture of salt
- scour: to clear out (a *ditch* or *reen*) by removing dirt, weeds, etc
- sea bank (also *seabank*): an embankment built for protection against the sea; a *sea wall* made of earth
- sea wall: a wall or embankment to prevent encroachment of the sea, or to form a breakwater, etc, which can comprise natural and/or manmade materials
- sewer (also *shewar*): an artificial *watercourse* for draining marshy land and carrying off surface water into a river or the sea; a collective name for any type of *watercourse* on the Levels
- shard (also *sheard*): a gap in an inclosure, especially a hedge or bank
- shear, shorn: (of a *reen*) cut vegetation so as to bring the sides back to the requisite width
- shear to shear (also *in the shear*, *within the shear*): designating the extent of vegetation clearance from bank to bank along a *reen* or at a *gout*
- shoot: to extend or project in a particular direction
- shut (also *shutt*): a channel or open trough for conveying water, especially to a lower level
- skaleings: (probably) ‘scalings’, loose material that once formed part of a structure but has fallen away
- slatt: a split or crack
- slip (also *slipp*, *slippe*): a slope over a *sea wall* used for access to a landing place, *watercourse* or other purpose
- sluice (also *slewce*): a structure, dam or embankment for impounding water, which is adjustable to regulate or control the flow
- splays or splay wall (also *splaies*, *splayes*): a pair of side pieces in a structure (often forming part of a *gout*) – see *cheeks*
- spout (also *spowte*): a pipe for discharging water
- spring tides: the tides occurring immediately after the new moon (the change of the moon) or full moon when the earth, moon and sun approximately align and the gravitational pull causes the level of high-water to be at its highest
- spur (also *spurre*): a support or buttress (for a *sea wall*)
- stank: a pond or pool; a *ditch* of slowly moving water; a dam to hold back water; a *weir*
- stile (also *style*): a bridging structure over a field-boundary *ditch*
- stooke (also *stooke stile*): a type of *stile* beneath which water is discharged
- sudden, suddenly: with speed, speedily
- through (also *throughe*, *throwge*, *throwgh*, *throwghe*): a channel that takes water through a structure to the sea (in these records, the term *gout* is used on the *Lower Level*, and *through* on the *Upper Level*); a *sluice* or *floodgate*; a covered *drain* or culvert
- through bridge (also *throwgh bridg*): the bridge at a *through*
- throw: to clean out (a *ditch* or *reen*)
- tide flap, tide gate: (at an *outfall*, *gout* or *through*) a flapped opening through which surface water flows towards the sea on the ebb-tide, but closes against the flood-tide to prevent tidal ingress inland
- tide mill: a mill driven by the flux and reflux of the tide acting on a waterwheel
- tithing reen: a *reen* that was the responsibility of the tithing
- top: to reinstate the crest of (a *sea wall* or embankment)

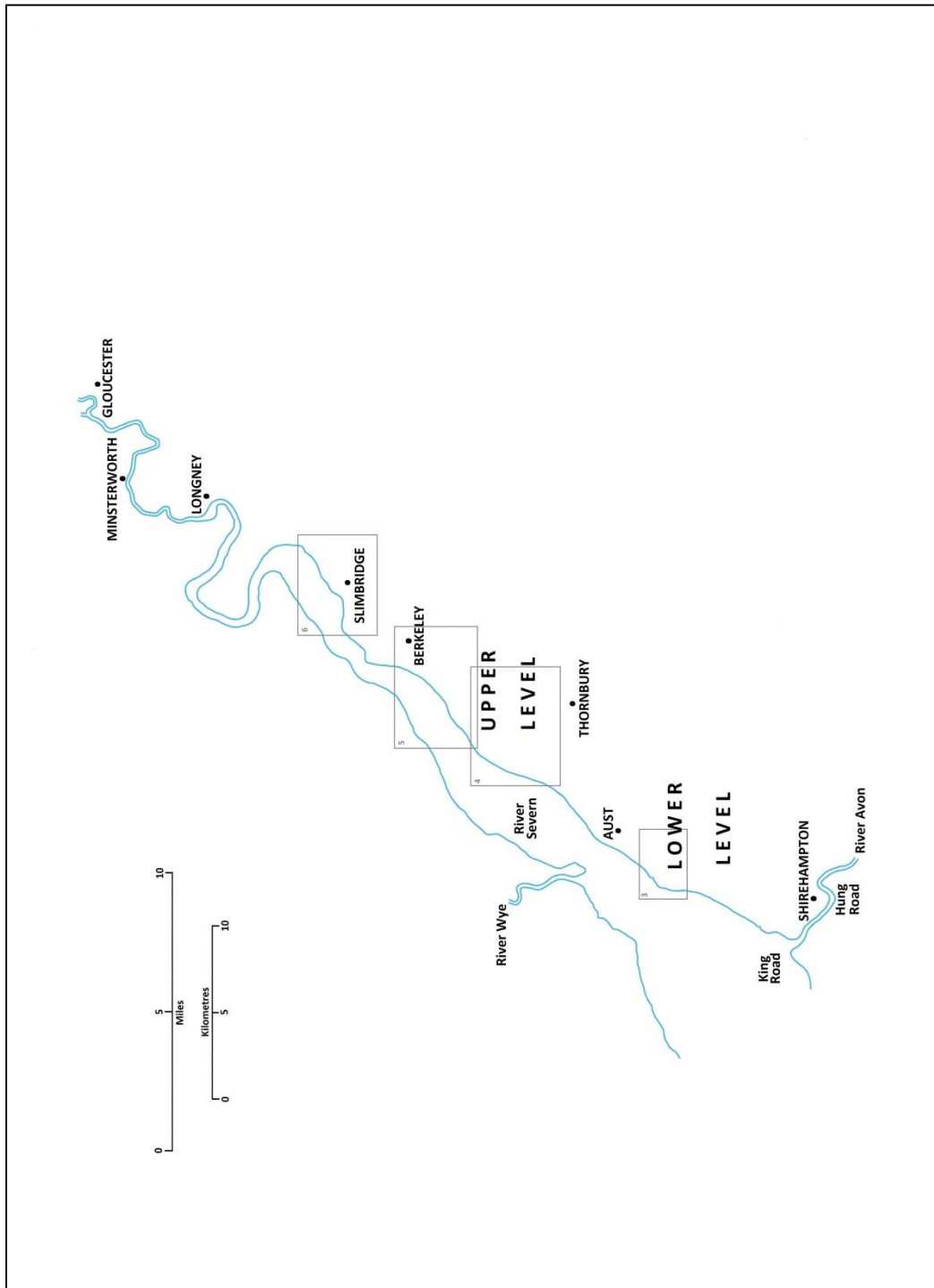
- town: a single dwelling, village or community; a manor or estate; a farm or a township
- trench: a long, narrow *ditch* or furrow cut out of the ground
- twist: the flat part of a hinge, fastened on a door or gate, and turning on a hook or pintle fixed in the post: the twists on a *gout door* kept the door hooks in place
- tye up: to block up
- under work: a structure placed under or supporting something
- Upper Jury: the jury for the Upper Level
- Upper Level: the low-lying area within the jurisdiction of the commission of sewers between Aust and Slimbridge
- upper shear: the top part of a bank from where the vegetation has been shorn
- view: a formal inspection or survey
- viewer: a person appointed or employed to inspect or examine
- wain shard (also *waine shard*, *waine sheard*, *wainesheard*, *wayne shard*, *wayne sheard*, *waynesheard*, *wayneshurd*): a gap in an inclosure, especially a hedge or bank suitable for the use of wains
- wain way: a wagon road
- wall: an embankment to hold back the water of a river or the sea or constructed to contain the water of a *reen*, sometimes used as a road or *causeway*
- wall pill: a *ditch* landward of and parallel to a *sea wall* – see *back ditch*
- warth (also *warfe*, *wharf*, *wharfe*, *wharff*, *wharffe*, *wharth*): a shore, strand; a flat meadow, especially low-lying grazing lands along the Severn Estuary
- warth wall: a *sea wall* on a *warth*
- water gates (also *water gats*): see *tide gates*
- watercourse: a stream of water; a river; a brook; an artificial channel for conveying water
- watering (also *watering place*): a semi-circular sloping hollow cut out of a *ditch* or *reen* bank to allow animals to drink
- wattled: (of hurdles or *fences*) formed by interlacing rods or stakes with twigs or branches of trees to strengthen the interior of a *sea wall*
- weather gate (also *wether gate*, *gatt*, *gatte*): see *tide gate*
- weir (also *weare*, *were*): a barrier or dam to hold back water
- yate: a gate
- yealand (also *eland*, *yeeland*, *yeelland*, *yeland*, *yelland*): land by water or by a river; an island (*yellands* appear on later maps as enclosed parcels of *warth*)



*Drashing a reen at Peterstone
(Gwent Levels)*

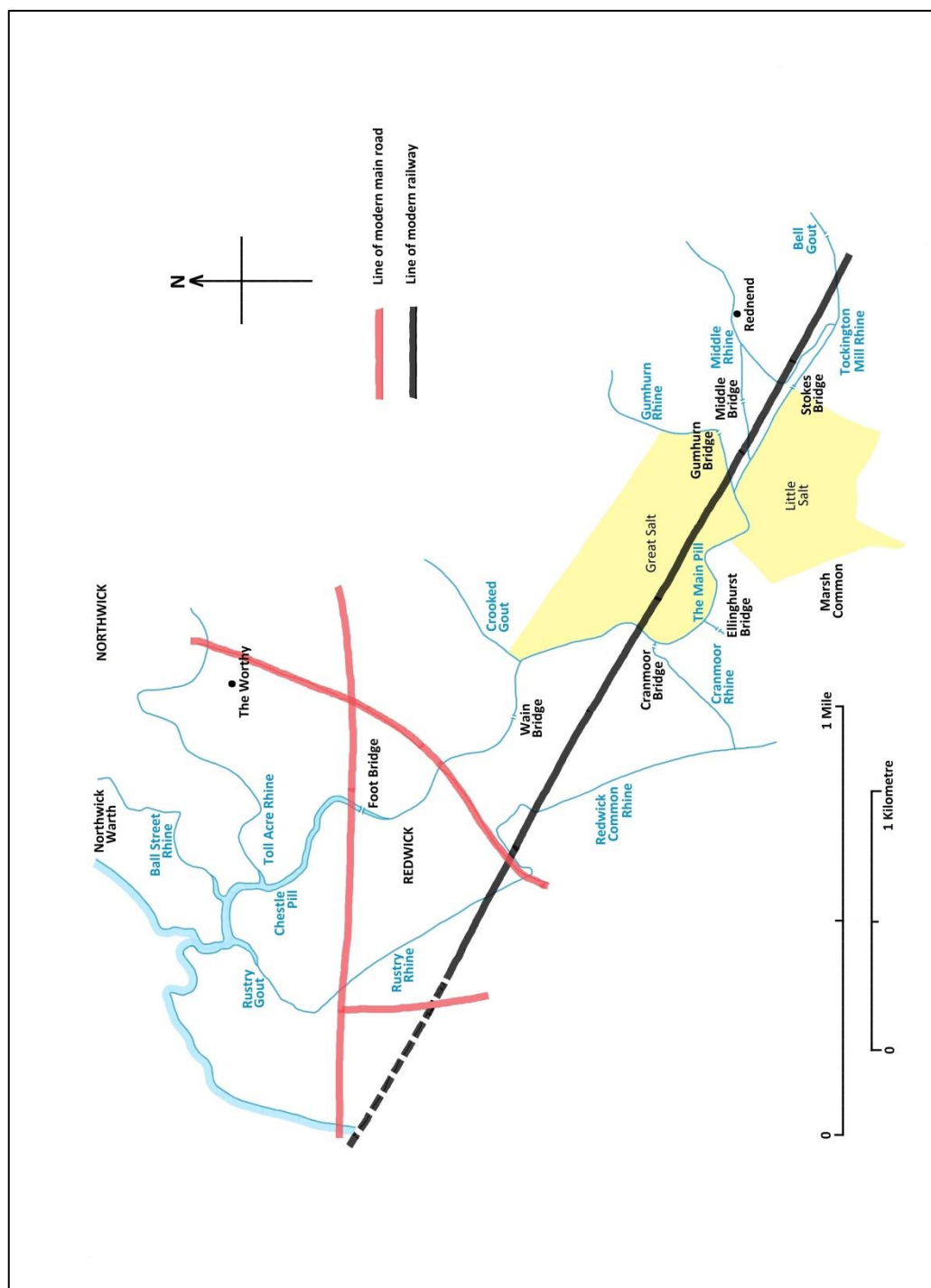


Map 1: The Severn Estuary Levels

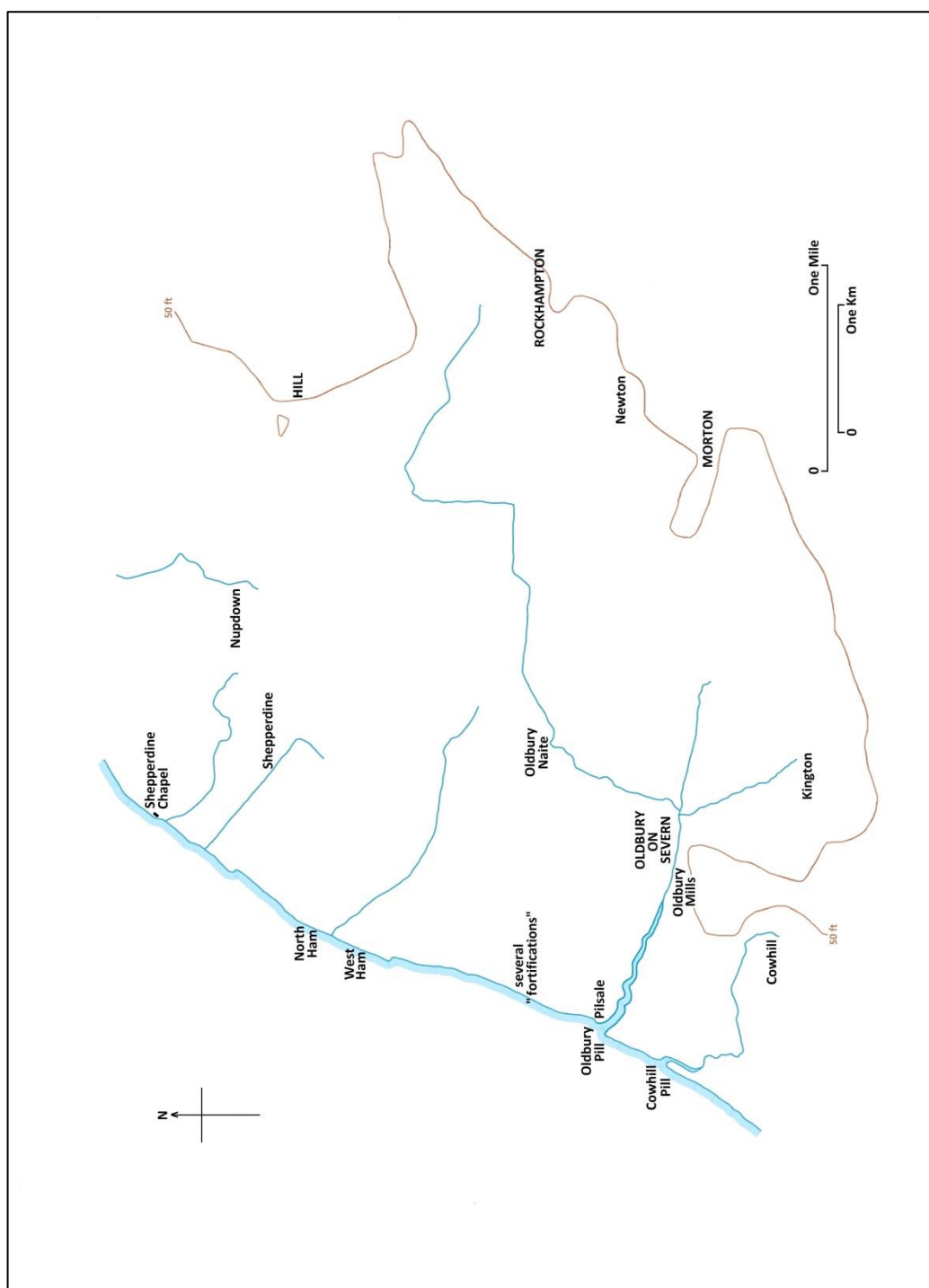


Map 2: The Gloucestershire Levels

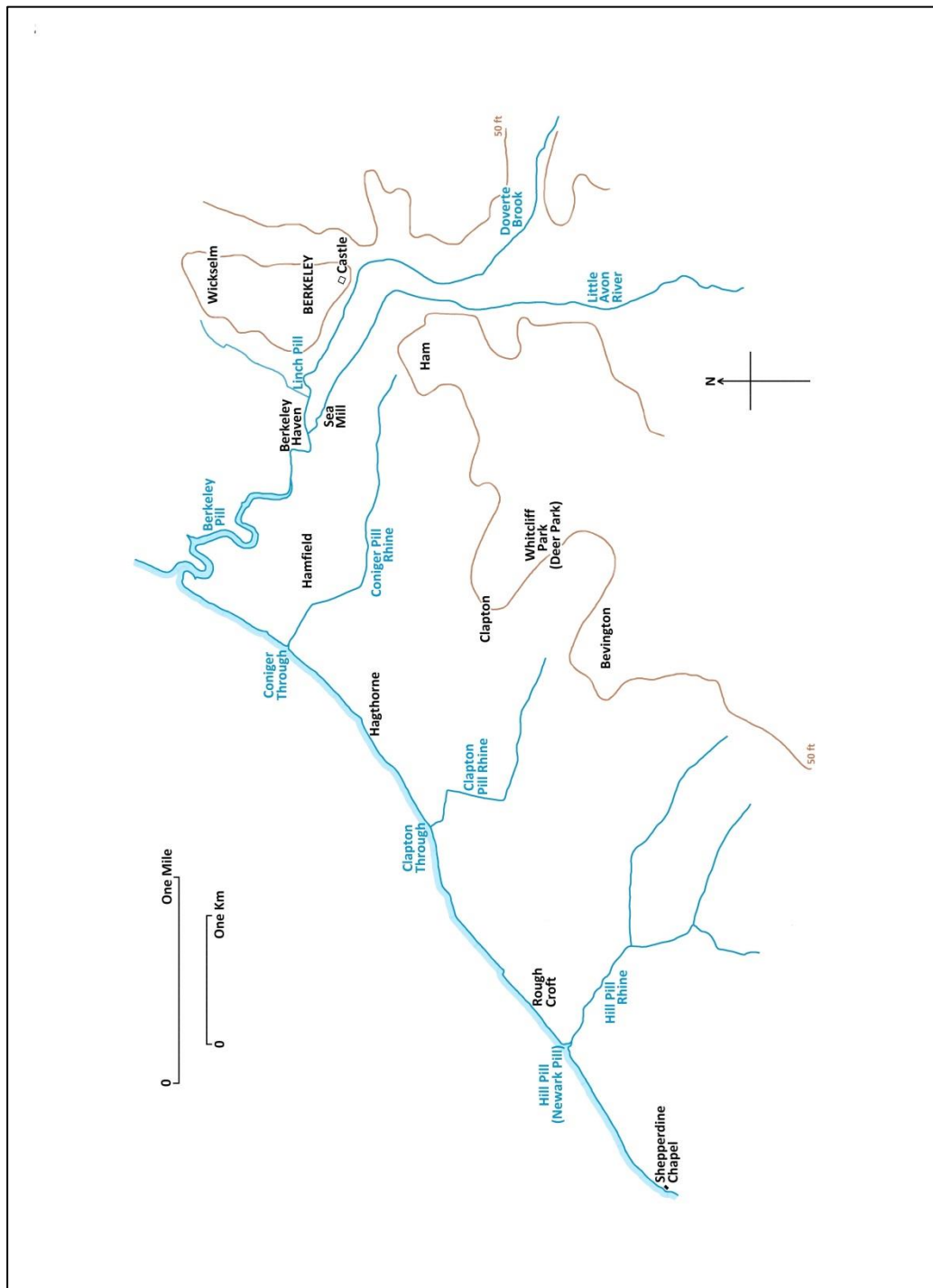
(boxes indicate areas shown at larger scale on following pages)



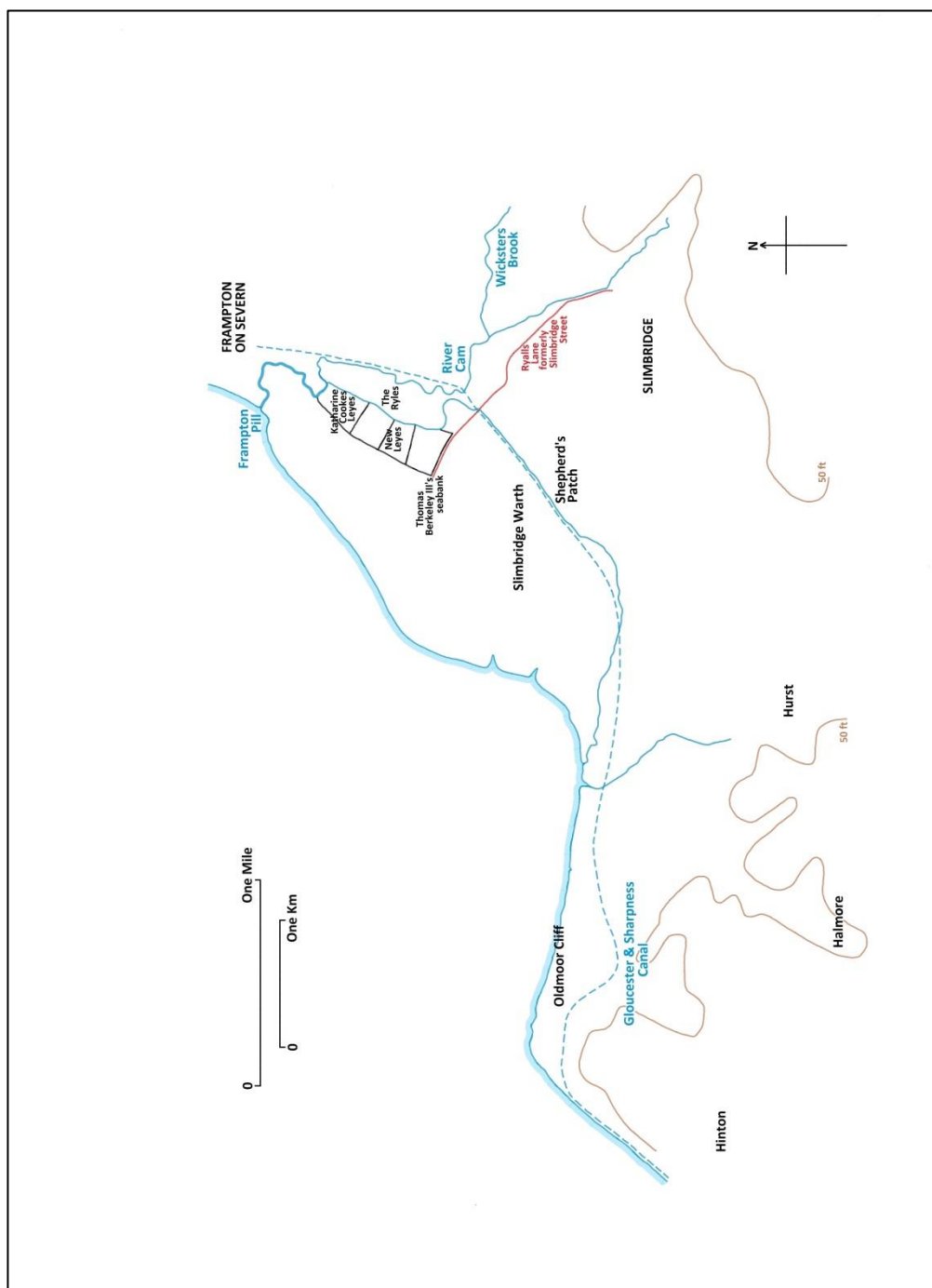
Map 3: Chestle Pill, Main Pill, Wain Bridge and the Marsh Common



Map 4: Oldbury on Severn to Shepperdine Chapel



Map 5: Shepperdine Chapel to Berkeley Pill



Map 6: Slimbridge Warth



A commissioner at rest: effigy of Sir Thomas Throckmorton (1538/9-1607/8) at Tortworth church.

THE RECORDS OF THE GLOUCESTERSHIRE COURT OF SEWERS, 1583–1642

INTRODUCTION

This introduction provides a summary of how the Gloucestershire Court of Sewers came into existence and why these particular records survive. It highlights some of the court's key work between 1583 and 1642, and also explores the Gloucestershire Levels, relating today's landscape to times past. Discussion of the officials who ran the court and the financing of the commission is followed by overviews of the sea wall and land drainage systems. Three areas of the Levels are singled out for special attention:

- Redwick and modern-day Pilning, where tidal water was accepted and managed far into the landscape;
- Oldbury on Severn, a community exposed to long-term flood risk; and
- Slimbridge Warth, with its controversial land improvement schemes.

The introduction concludes with a discussion of the tidal floods of 1607 and 1636.

A nationally important survival

The extant 1583–1642 records of the Gloucestershire Court of Sewers are a nationally important survival from a small body of documentation that has rarely been fully appreciated by past scholarship.¹ 'Sewers' in this instance are watercourses that drain low-lying coastal marshes, and these Gloucestershire records are to be prized and cherished as much as the rich agricultural land that the commissioners of sewers served to protect.

Family and local historians researching coastal parishes between Slimbridge (on the east bank of the river Severn) and Shirehampton (on the river Avon downstream from Bristol) will find this edited transcription of the minute books rich in the names of men and women from all walks of life, and in place-names and topographical features. Their arrangement by tithing and hundred enables identification of individual farmsteads, and also demonstrates the continuity of land ownership and tenancies through generations. Court of Sewers records display interdependence between all layers of society since commissioners appointed local men to serve as surveyors and jurors. These were tasked with bringing their presentments of failures in the land drainage systems and sea defences within their tithings to the court.

¹ For a recent exception, making extensive use of the records in a doctoral thesis, see Morgan 2015.

Individual maintenance responsibilities were tied to land ownership and tenancies. The commissioners' orders for works to be undertaken therefore affected a wide range of people, from substantial landowners down to those who occupied the merest modicum of land.

The seventeenth-century jurist and commissioner of sewers, Robert Callis, referred to such courts as an 'eminent court of record.'² This edition upholds that view, and allows the unfortunate judgement of Sidney and Beatrice Webb, that the records of Courts of Sewers are neither 'important' nor 'exciting', to be respectfully but very firmly set aside.³ By their own admission, the Webbs consulted a very limited number of manuscript records, and knew of 'no detailed description of the actual working of these courts in rural districts'. Their summary dismissal of Courts of Sewers as being 'of the most primitive character' and representing 'the most obscure corner in the whole of English local government' is not borne out by the evidence presented here.

A Court of Sewers was on a par with the Court of Quarter Sessions, and many of a county's landed gentry served both. Courts of Sewers held jurisdiction over distinct geographical areas, limited by their low-lying coastal landscape characteristics, and mostly known as 'levels'. In recent times this has been a barrier to widespread appreciation of the courts' business, most students unaware of their presence or purpose, or indeed of the existence of their successor organisations, today's Internal Drainage Boards.

Land drainage and sea defence terminology could be considered obscure by those unfamiliar with the engineering works that protect against fluvial flooding and tidal inundation. Local variations of the same term are not uncommon, and thus the present-day manmade ditches that drain the Gloucestershire, Gwent and Somerset Levels are respectively known as *rhines*, *reens* and *rhynes*, although in earlier times Gloucestershire predominantly used *reen*. Additionally, the Tudor and Stuart records contain familiar words that may have held a different meaning in the sixteenth or seventeenth centuries, notably *fence* and *hedge* which were often interchangeable. The records transcribed here also contain many archaic and provincial words no longer in use: for ease of reference, unusual or technical terminology is given in italics throughout the text; definitions are provided in the glossary.

The funnel-shaped Severn Sea (now the Bristol Channel in English, but retaining its identity as Môr Hafren in Welsh) and the Severn Estuary are prone to south-westerly gales and subject to the second highest tidal range in the world. Inundations of the Somerset, Gwent and Gloucestershire Levels have been frequent, and this hostile environment has presented challenges to land drainage engineers, coastal engineers

² Callis, p. 128.

³ Webb, pp. 39–40.

and their predecessors for centuries.⁴ From time to time the consequences of failures in tidal defences have brought death and destruction on a widespread scale. Scientists recreating models to show the extent of historic floods bordering the Severn's sea and estuary have so far paid little or no attention to the records of the Gloucestershire Court of Sewers. This transcription of the court's records between 1583 and 1642 provides a unique opportunity to understand more about the condition and extent of the sea defences and land drainage mechanisms before the great flood of 20 January 1606/7 (now more commonly known as 'the 1607 flood'),⁵ as well as the damage wrought by this storm-charged high tide and the reparations ordered in its aftermath. Corresponding records for other affected counties including Monmouthshire, Somerset, Glamorgan and Devon have not survived, although there is evidence that their Courts of Sewers were operational.⁶ Marks and memorials in Kingston Seymour church (North Somerset Level) and five churches on the Caldicot and Wentlooge Levels (components of the Gwent Levels) demonstrate that the height of the 1607 flood has not been surpassed, and so it remains a cultural benchmark despite coastal change, technological advances in sea defence and the evolution of coastal wetland landscapes.⁷

The 1607 flood is considered a significant event among storm surge experts. The idea that the tidal inundation may have been caused by a tsunami was proposed in 2002 and has been widely debated ever since.⁸ This study of the Gloucestershire Court of Sewers records is therefore long overdue and dispels any lingering perception that an exceptional tidal wave swept inland destroying everything in its path. The reality is, that although some of the sea walls defending the Avonmouth and Oldbury Levels (known at the time as the Lower and Upper Levels) were of insufficient specification and integrity to withstand that particular tide, many long lengths stood firm as the salt water washed over them: some even had to be cut open to evacuate the floodwater that lay behind.

The majority of surviving sixteenth and seventeenth century Court of Sewers records relate to the east coast of England, and to Lincolnshire's Fens in particular.⁹ This region provided the main focus for Derek Drager's detailed analysis of the Tudor and early Stuart statutes and commissions of sewers, the best introduction to this subject.¹⁰ However, Drager took no account of the Gloucestershire records, a study of

⁴ Rosemary Smith, pp. 40–41.

⁵ 30 January 1607 in New Style dating.

⁶ TNA C 181/1-5 (entry books of commissioners). Very few Monmouthshire Court of Sewers records have survived prior to the early eighteenth century. Somerset's records exist in numbers from later in the eighteenth century. See this editor's doctoral thesis (University of Bristol, in preparation) for details of the earlier records.

⁷ The five churches are Redwick, Goldcliff, Nash, St Brides Wentlooge and Peterstone.

⁸ Bryant and Haslett. Horsburgh and Horritt provided the initial counter-argument. Further details of the debate will be found in Hewlett (doctoral thesis, in preparation).

⁹ See Bibliography entries for Kirkus, Owen (1968, 1977), and London County Council. Norfolk Record Office holds an extensive collection of original documents.

¹⁰ Drager.

which would have identified some differences in their operations. John Morgan has used both the Lincolnshire and Gloucestershire records to support his theory that flooding was at the forefront of cultural and political changes during the early modern period.¹¹

The Gloucestershire Court of Sewers records owe their survival to a precedent set down on 11 June 1583 concerning responsibility for the sea walls at Oldbury on Severn which was then disputed for more than a century.¹² They are held at Gloucestershire Archives (collection D272) and comprise minutes (including presentments, orders and rates), accounts, maps and surveys spanning a period of more than 350 years, from 1583 until 1936. Records from 1937 until the present day are held by the Lower Severn (2005) Internal Drainage Board. The maps of 1835 are an especially useful resource and can be accessed via the Know Your Place website.¹³ On 15 November 1911, Sanford D. Cole gave ‘an interesting paper on the making and preservation of the banks of the Severn’ to Bristol members of the Bristol and Gloucestershire Archaeological Society,¹⁴ and a year later, he published privately *The sea walls of the Severn*, which was to remain the standard history of the Gloucestershire Court of Sewers records for more than a century.¹⁵

The need for regulation

Roman land reclamation around the Severn’s sea and estuary has been widely studied, and within Gloucestershire, evidence of such works has been found at Elmore, Longney, Arlingham and Hill.¹⁶ During the medieval period these reclamations continued and others were undertaken including at Fretherne, Saul, Frampton on Severn and Slimbridge.¹⁷ The salt marshes at Henbury appear to have been drained by the late twelfth century, a major contribution towards extending the area available for cultivation.¹⁸ Newly-created lands such as these were prized for their rich alluvium, and became some of the most fertile in the country, but their success depended on regular maintenance of the ditches that drained them and the defences that kept tidal inundation to a minimum.

The efficacy of such works was dependent upon a system of managed maintenance. If just one landowner or tenant failed to repair a breach in his or her section of sea wall, or leave a length of ditch choked with silt and weeds, the consequences could be

¹¹ Morgan 2015.

¹² See *North Ham* in i3, i6-7, i18 and i24 (in these records vol. 1, p. 3 etc). The precedent is confirmed by SRO D641/2/C/4/1(vi)A, a declaration of 1669, part of the Stafford collection concerning a series of lawsuits regarding the sea walls and *Oldbury Mills*. The dispute ended in 1687: p. lxxv.

¹³ See Abbreviations.

¹⁴ Reported at some length in the *Gloucester Journal*, 18 Nov. 1911, p. 9. Cole was a Bristol lawyer with an interest in maritime matters; among other roles, he was solicitor to the Pilots’ Association.

¹⁵ Cole.

¹⁶ e.g. Allen and Fulford 1990 [1] and 1990 [2]; Allen 1990; Allen and Rippon.

¹⁷ Allen 2001; Allen 1986.

¹⁸ Dyer p. 95.

catastrophic for the whole community. Romney Marsh, Kent, provides the earliest and most recognized example of a regulated arrangement to safeguard property against inundation by fresh or salt water, explicitly stated in 1250–1 and 1257.¹⁹ The laws and customs of Romney Marsh, then referred to as ‘ancient and approved’, were overseen by twenty-four jurats ‘elected and sworn for that purpose’ since ‘time out of mind’.²⁰ A jury of twelve men determined the works required to maintain or improve the marsh’s defences, with the twenty-four jurats acting on those decisions and ensuring that each inhabitant contributed proportionately to the works according to the size of their land holding. Anyone neglecting their duties to repair or make a financial contribution could be distrained by the jurats.

The crown also recognized the value of these marginal lands once they had been protected and improved, and commissions *de walliis et fossatis* (of walls and ditches) were granted by Edward I during the opening years of his reign.²¹ Their purpose was to ensure that maintenance and repair works were carried out on land drainage systems and sea defences in a timely and appropriate fashion by those responsible. The use of the word ‘sewer’ (an embanked watercourse) was introduced in official form during the fifteenth century and from 1509, commissions of sewers, rather than commissions *de walliis et fossatis*, became the standard nomenclature.²² The 1531/2 Statute of Sewers was the most significant of a series of acts between 1427 and 1571.²³ The actual date of the act has been debated.²⁴ Historically, acts were held to come into force on the first day of the parliamentary session in which they were passed, which in this instance, according to Drager’s citations, was 15 January 1531/2.²⁵ However, perhaps unusually, subsequent commissions of sewers (both handwritten and printed) make reference to a specific date, 1 March 1531/2.²⁶

... to be our justices, to survey the said walls, streams, ditches, banks, gutters, sewers ... and annoyances aforesaid; and the same cause to be made, corrected, repaired, amended, put down, or reformed, as the case shall require, after your wisdoms and discretions, and therein as well to ordain, and do after the form, tenor and effect, of all and singular the statutes and ordinances made before the first day of March, in the three and twentieth year of the reign of the late King Henry the Eighth ...

¹⁹ *Cal. Close*, Hen III, 1247-1251, pp. 532-33; *Cal. Pat.*, Hen III, 1247-1258, p. 592, where the text concerning the ‘marsh of *Romenhale*’ is in English. The legal definition of ‘time out of mind’ is before 6 July 1189, the accession date of Richard I.

²⁰ Drager, pp. 6-7.

²¹ Drager, p. 11. The term is also seen in the alternative form *de wallis et fossatis*, from *walla* rather than *wallia*.

²² Drager, pp. 1-2, 14. Sewers carried fresh water.

²³ 23 Hen VIII, c. 5.

²⁴ Drager, pp. 32-36.

²⁵ Drager, p. 32, suggests that the parliamentary session ran from 15 January 1531/2 until 14 May 1532.

²⁶ e.g. GA D272/7/1 (commission dated 1828) and National Library of Wales, P 5/8/1 (Monmouthshire commission of sewers, 1660).

This statute was a product of the ‘Reformation Parliament’, a forum for the introduction of profound changes into a number of different spheres of English life.²⁷ It extended the powers of commissioners as government sought to provide uniformity of practice across the country and give authority to age-old customs already in use in certain localities. The attention to detail in terms of administrative workings and the consequent length of this act are remarkable, and it provided a legislative framework that lasted until the Land Drainage Act of 1930. Those wishing to discover more about the importance of this legislation should consult Drager.

Early commissions of sewers in Gloucestershire

The oldest known commission *de walliis et fossatis* for Gloucestershire was granted ‘to John de Wylington, Robert de Cliderhowe and Stephen de Salso Marisco for the parts of Hambury [Henbury] Salt Marsh’ in 1312 when the sea walls were to be viewed and then repaired where necessary.²⁸ Some commissions had a wider remit, e.g. in 1359 ‘to Thomas de Berkelee of Coberlee, Simon Basset, William de Chiltenham, John de Yate and John de Clifford, along the shore of the water of Severn and the parts adjacent between Bristol and Gloucester, co. Gloucester.’²⁹ Commissioners sat at Thornbury in August 1364 and heard that John Fitz Nicholl, lord of Hill, was deemed bound to receive the water from *La Rendych* that lay between the lordships of Hill and Rockhampton, and allow the same to cross his own land and thence to the Severn.³⁰ His alleged neglect in this respect was said to have caused the countryside around to be *damnified* and he was distrained to appear before the commissioners at Chipping Sodbury the following year. There he successfully argued his case and was discharged by the jurors. The intermittent nature of commissions and such long lead times inevitably meant delays in resolving watery problems. Additionally, absentee landowners were not necessarily motivated to complete the works, so tenants were often left to bear the consequences of regular flooding.

The earliest extant commission to specify individual hundreds in Gloucestershire was granted in 1384 ‘to Thomas de Berkele, John de Berkele and Edmund de Bradeston, knights, Robert de Cherleton, John Sergeaunt, Ralph Waleys and John Stanshawe, upon the bank of the Severn in the hundreds of Berkele, Grumbaldesassh, Thornbury and Hembury, co. Gloucester.’³¹ The following year another commission was granted ‘along the borders of the Severn, co. Gloucester.’³² It is evident from an entry in the

²⁷ Drager, p. 32.

²⁸ *Cal. Pat.*, Ed II, 1307-1313, p. 476; Dugdale, p. 113. Cole, pp. 6-7, provides greater detail of the commission.

²⁹ *Cal. Pat.*, Ed III, 1358-1361, p. 219. This appears to have been renewed three years later: *ibid.*, Ed III, 1361-1364, p. 212.

³⁰ Dugdale, p. 113. The original documents survive: TNA C 47/7/5/8. The *Reene Ditch* between Hill and Rockhampton was in default in 1620, iii39.

³¹ *Cal. Pat.*, Rich II, 1381-1385, p. 496.

³² *Cal. Pat.*, Rich II, 1385-1389, p. 89.

Gloucestershire Court of Sewers minutes of 1676 that documentation relating to at least one of these early commissions had been kept locally since 1389.³³

Among the several commissions identified by Dugdale between 1312 and 1413 are two for which he describes in some detail the circumstances that occasioned them. In 1378–9, a dispute arose about fluvial water that lay in the meadows and fields of Elberton, Olveston, Aust, Cote and Littleton on Severn each winter.³⁴ Anciently this was said to have been drained by a *trench* that discharged the water through *Cakepull* (Cake Pill, Aust) to the Severn which the inhabitants of those places listed were obliged to *scour*, but the commissioners heard challenges from those charged with the maintenance. Keeping the ditches free of vegetation by the use of hooks and cutting implements was a relatively straightforward matter, but the removal of silt was a labour-intensive business. Those ditches that held a constant supply of water had to be worked in short sections, each one blocked off and drained before the *scouring* could begin. In 1392–3, possibly the same area came under scrutiny when a breach made by the men of Elberton in a causeway dividing the fields of Littleton and Elberton was ordered to be repaired.³⁵ The ditch that extended from the south side of that causeway to the Severn was evidently in disrepair, and those with land or tenements adjoining had been previously ordered to undertake the necessary work ‘as often as need required’. To ensure this was done, ‘six sufficient men’ and a bailiff with land in those parts had been sworn to take a view of the ditch ‘as often as they should think fit’, and to ensure that it was maintained ‘according to the tenor of the said ordinance and decree.’ Moreover, these men and the bailiff had also been charged with ensuring that the *sluice* within the ditch was ‘competently maintained’. The ordinance and decree had been neglected, apparently causing losses to those living and owning lands in the area, and the king commanded the sheriff of the county to call them to account, and to distrain them for not performing their duties.

The power of the tides frequently damaged the sea walls, and a commission of 1410 specifically addressed this issue.³⁶ The commissioners were empowered to take a view of the banks between Bristol and Gloucester and order their repair, ‘and to do all things therein according to the law and custom of this realm, and the customs used in those places. As also to take so many labourers upon competent wages, in respect of the great necessity, as should be needful for that work.’

Fish weirs had been considered impediments to the flow of water and passage of river traffic since *Magna Carta* (1215), and commissioners of sewers could authorize their removal. John Rhodes notes that the Gloucestershire commissioners destroyed *Lille*

³³ GA D272/1/13, f. 42v–43. John Baker, the retired clerk of sewers, then aged 79, swore that he had had in his possession letters patent issued at Westminster on 8 July Rich II 13 [1389].

³⁴ Dugdale, p. 113.

³⁵ Dugdale, p. 114.

³⁶ *Cal. Pat.*, Hen IV, 1408–1413, p. 181; Dugdale, p. 114.

Weir and *New Weir* in Churcham parish in 1535; this suggests that a commission was issued not long after the 1531/2 Statute.³⁷ In 1540, the commissioners ordered that a flood-bank be built at Sudmeadow which lay within a bend of the Severn south-west of Gloucester: responsibility for the cost fell to Gloucester Abbey and Arthur Porter (as receiver of the dissolved priory of Llanthony). The river Leadon, which flowed into the Severn just north of Over Bridge, was the subject of a commission of sewers issued in 1574–5.³⁸ Aside from the mayor of Gloucester, many of the commissioners were the same men put forward in 1583. The remit of the Gloucestershire commissioners was therefore wider than the Severn and also went beyond Gloucester — in 1619 they ordered the removal of one of five watermills on the river Avon near the south end of Tewkesbury.³⁹

Further evidence of sea walls

Evidence of responsibility for sea walls and *reens* can also be found within manor court rolls, customs of the manor and in leases. It was only when the manorial duties failed to be undertaken that matters came to the attention of the Court of Sewers. The Thornbury manor court rolls supply evidence for the sea walls between Cowhill Pill and *Shepperdine Chapel* from the fourteenth century,⁴⁰ and the customs of Tockington manor detail those responsible for the sea wall around parts of the Marsh Common in 1589.⁴¹ A lease of 1422 for Arlingham, and a late-sixteenth-century survey for Clapton and Bevington, both link property to the repair of sea walls and ditches or *reens*.⁴² The Slimbridge manor court frequently ordered tenants to maintain their ditches between fields and next to the highways.⁴³

A chantry certificate issued in 1548 notes that the parishioners of Henbury had at various times within the previous five years, and often before that, diverted the rents and profits towards the costs of repairing their sea walls which were in a very dangerous state.⁴⁴ Some sixty or so years earlier (perhaps during the 1483 flood known as the ‘Duke of Buckingham’s Water’) 220 men, women [and children] were said to have drowned; the parish was ‘very great and poor not able to defend the great rages of the water beating against the town etc.’ The people of Arlingham had similarly used chantry monies to maintain and repair their sea walls from time to time, and also for the annual upkeep of seven *tide gates* and two *throughs* to safeguard their parish against tidal flood.⁴⁵ In Elmore, where the churchwardens were responsible for part of the sea walls, William Bullocke bequeathed a bushel of wheat

³⁷ Rhodes, p. 24.

³⁸ GA GBR/G14/1.

³⁹ GA D7172/1.

⁴⁰ SRO D641/2/C/4/1(v)N. The chapel was on the sea wall in 1659: GA D908 (map).

⁴¹ GA D1772/1.

⁴² GA D18/11 and BCM GOP 11.

⁴³ e.g. BCM GCR 237-239, 241 (between 1537 and 1541).

⁴⁴ Maclean, p. 253.

⁴⁵ Maclean, p. 262. The entry for Minsterworth reads ‘Memorandum that etc for sea walls etc’, p. 290.

towards their repair in 1555, and a year later his namesake left 40s towards their maintenance.⁴⁶ John Guise of Elmore Court followed suit with 13s 4d in 1588.⁴⁷

The four volumes of records

The story of the Gloucestershire Court of Sewers, as told through this edited transcription, begins on 31 May 1583 in Thornbury. The first eight pages (i1–8) are partial duplicates of those that follow and therefore proceedings are best understood by reading from i9.⁴⁸ The records have been artificially assembled from a selection of original documents which include papers prepared in advance of court sessions as well as those written up afterwards. The latter have often then become working records themselves, annotated with updates.

After an inauspicious start, when insufficient names of potential commissioners were put forward to the Lord Chancellor and a second application had to be made, a new commission of sewers was issued and court business got under way with commissioners, surveyors and jurors sworn in. Jurors from the hundreds of Berkeley, Thornbury, Langley & Swineshead and Henbury received copies of the articles laid down in the 1531/2 Statute,⁴⁹ and were instructed to bring their presentments to a further session on 11 June 1583 which commenced at 9am. There they provided details of defaults in numerous lengths of sea walls on both the Lower Level (variously described as being from Shirehampton, Hung Road or King Road to Aust) and Upper Level (from Aust to Slimbridge).⁵⁰

The extant records appear to have been preserved because they contain evidence used in connection with a series of lawsuits relating to the operation of a pair of tide mills at Oldbury on Severn, a matter that was finally resolved in 1687.⁵¹ The court's papers do not survive in their entirety, and some of the entries have been heavily amended or torn, perhaps an indication of the acrimonious nature of the *Oldbury Mills* dispute and involvement of the Stafford family both from a personal perspective and as commissioners of sewers.⁵² The Stafford's archive in Staffordshire Record Office includes many of the legal papers from this period, several with cross-references to the records of the Gloucestershire Court of Sewers.⁵³

⁴⁶ GA D1555/113 and TNA PROB 11/38/222.

⁴⁷ TNA PROB 11/73/75.

⁴⁸ See i9–24 for the original records which are partly duplicated at i1–8, albeit in a somewhat haphazard arrangement.

⁴⁹ See i13–15.

⁵⁰ See i16–24.

⁵¹ GA D272/1/14, unpaginated. See pp. lxi–lxviii.

⁵² e.g. i29, i54, i55 and i105. These alterations have been retained in this edition. See also p. lxxv.

⁵³ SRO D641/2/C/4/1. Some direct cross-referencing to the Gloucestershire Court of Sewers records is evident (e.g. at i29, i30, i97, i108); footnotes in this edition provide some details, but are by no means comprehensive: additional material on this interesting and complex case is held at Gloucestershire Archives and The National Archives.

It is unclear why **Volume One** (1583–1607) has no sense of chronology; even related correspondence has become scattered.⁵⁴ Individual folios could so easily have been preserved in date order but were clearly disorganised prior to their conservation at the Public Record Office in 1949. A transcription was made at that time, although this contains many inaccuracies (in part due to unfamiliarity with the terminology and local place-names).⁵⁵ Not all the court sessions held between 1583 and 1607 are represented, nor are the surviving records necessarily complete: those that are mentioned can be followed in date order using the list supplied in the Appendix.⁵⁶ Between 1583 and 1642, there is no set pattern for when sessions were held: every month is represented, even during traditional times for haymaking and harvest. Numbering of two series of sessions reveals that the court sat annually between 1610 and 1612, followed by four sittings in quick succession just prior to a new commission in 1615. Those between 1635 and 1642 are also numbered, but cannot be taken as representative of frequency since several relate directly to following up overdue payments from defaulters.

The disorder of the records in Volume One pales into insignificance against the administrative chaos that followed the great tidal flood of 20 January 1606/7. The previously documented session had been on 8 September 1604 when matters relating to the *Oldbury Mills* dispute were among those presented.⁵⁷ Given that the 1583 commission lasted ten years, and assuming that another followed *c.* 1593,⁵⁸ it is surprising that there is no mention of Gloucestershire in the entry books of commissioners for *c.* 1603.⁵⁹ Nevertheless, the Gloucestershire commissioners met at Tetbury on 3 February 1606/7 and sent a warrant to the sheriff to summon four or five ‘sufficient and substantial’ men from every parish and tithing to appear at Wotton-under-Edge on 12 February at 8am where they were to be sworn in as surveyors and jurors.⁶⁰ Quite when the commissioners realised that they had no commission, and therefore no authority to act, is not known: the only documentation from that session is a copy of their letter to the Lord Chancellor applying for a new commission.⁶¹ This, together with a more than adequate list of suitable commissioners (many of which were legally trained), was sent to London post-haste.⁶² It was also necessary for a

⁵⁴ e.g. i64, i72 and i130.

⁵⁵ GA D272/1/1 includes typewritten draft and final transcriptions.

⁵⁶ e.g. 5 Dec. 1586 at Thornbury (BCM GOP 10). John Morgan’s suggestion that the court was ‘operating in fits and starts’, and his analysis of attendance and the orders made does not recognize that many records are missing: Morgan 2015, pp. 271–281.

⁵⁷ See i52–57, and i79. The records are written in the same hand.

⁵⁸ The 1571 Act for the Commission of Sewers established a formal link with the commission of the peace and enabled an expired sewers commission to effectively continue in force for one year past its termination should the need arise: Drager, p. 66.

⁵⁹ TNA C 181/1–5 (entry books of commissioners) cover the period 1601–45. Central records for the issuing of sewers commissions for this period do not survive.

⁶⁰ See i106.

⁶¹ See i60–61.

⁶² Communication between central and local government is discussed in Cooper.

parallel application to be made in respect of certain Duchy of Lancaster lands, which added a further complication. Ordinarily the matter could have been dealt with by the Lord Chancellor and any two from the Lord Treasurer and two Chief Justices, but in this instance, the Chancellor of the Duchy of Lancaster also had to give his consent.

The main commission was issued on 20 February at Westminster under the Great Seal of England at a cost of 40s,⁶³ and arrived back in Gloucestershire before the court session at Iron Acton held on 27 February; at this the commissioners once again wrote to the sheriff requesting sufficient men for three juries: from Shirehampton to Aust; Aust to Slimbridge; and above Slimbridge to Longney and Minsterworth.⁶⁴ Both lists of potential jurors survive,⁶⁵ and the men were duly sworn at Thornbury on 5 March, many having had to travel quite some distance.⁶⁶ Some commissioners and jurors met at Redwick on 17 March to view the damage in that vicinity.⁶⁷ Similar meetings elsewhere are not recorded, but they must have taken place around this time. Commissioners finally heard presentments concerning defaults throughout the Upper and Lower Levels at Berkeley on 31 March, some ten weeks after the flood.⁶⁸

Volumes One and Two overlap with regard to the 1607 flood. Duplicate entries have been cross-referenced and do not necessarily follow the same order, nor are their narratives identical. Some of those in volume two became the working copies and were subsequently annotated. Both volumes contain unique records. In volume one these include correspondence and accounts relating to the deliberate *cuts* made in some sea walls to allow floodwater to be evacuated,⁶⁹ together with a long narrative concerning the ‘late sudden tempest and overflowing of the sea’, the issuing of the new commission and the vexing question of *Oldbury Mills* where the owners and miller were, in the opinion of many, allowing in far too much water at every tide.⁷⁰ Volume one ends with a decree and ordinance dated 13 November 1607 regarding the outstanding works required to get the mills in order, and the intention that this would reduce the flood risk to 2,000 acres of land in the tithings of Oldbury, Kington, Morton and Rockhampton.⁷¹

Volume Two (1607–15) comprises loose leaf folded sheets. A long list of presentments relating to the sea wall along the landward edge of Slimbridge Warth

⁶³ See i74. The clerk’s fees were 10s and the box to store it in, 6d. See TNA C 181/2, f. 23, for the list of commissioners. The Duchy of Lancaster’s commission is not referenced within these records other than the swearing of its commissioners, i89.

⁶⁴ See i82.

⁶⁵ See i80–81 and i84–86.

⁶⁶ See ii3–3v.

⁶⁷ See i154 and i94–95.

⁶⁸ See i96–100, i134–44 and ii4v–16v.

⁶⁹ e.g. i66, i70, i76 and i119.

⁷⁰ See i152–158.

⁷¹ See i160–66.

highlights the administrative burden that followed events such as the 1607 flood.⁷² Not only was it necessary to know who was responsible for every length, each order had to be written out and directed to the person(s) concerned. The difficulties in collecting the 1d per acre rate imposed on the whole Level on 5 June 1607 are noticeable in April 1608 when many tithings were behind in their payments, presumably at least in part as a result of economic hardship in the aftermath of the flood, and the channelling of any spare monies into personal matters such as property repairs, furnishings and clothing.⁷³ It is unfortunate that no earlier details of rate collections survive for comparison. Certainly, there is evidence of an increasing resistance to taxation at this time, although one has to feel a degree of sympathy with the people of Ham and Hamfallow who withheld their rates in 1615 because they were still owed money by the commission for *cuts* made in their sea wall in 1607.⁷⁴ The remainder of volume two is taken up with routine business and the difficulties at *Oldbury Mills*. ‘Books of the proceedings’ of the commission and the commission itself were handed over to the new clerk on 23 February 1609/10.⁷⁵

Volume Three (1615–31), at some time stitched into a protective parchment cover, begins with a new commission, the slight ignominy of two early sessions being inquorate, and little court activity during the first year.⁷⁶ Later, commissioners doggedly pursued an agenda to get the sea walls at Oldbury fit for purpose, progress was often thwarted as protagonists held firmly to their entrenched opinions. Additionally, tidal action damaged some of the repairs. The tides of the Severn also dropped their silt, notably at Shepperdine where the *pill* had become so choked that the fresh water could no longer drain and a new *pill* was dug.⁷⁷ The process was not without its difficulties, and it had to be deepened on more than one occasion.⁷⁸ The *haven* at Berkeley (the home port of several small vessels during Tudor and Stuart times)⁷⁹ suffered similarly having become ‘overgrown with slime and weeds’, and of insufficient depth for small boats to load and unload.⁸⁰ In 1631, after much debate, a regime for keeping the *haven* maintained was agreed upon, albeit on a trial basis which was kept under review.⁸¹

The long lists of defaulters who refused to pay their rates, particularly in volumes three and four, align with the national political situation, but non-payment and non-compliance with orders should also be considered from a more personal perspective.

⁷² See ii15–16v.

⁷³ See i120, i124 and ii19v. Floodwater often washes items out of houses: Henry Dunn on the Wentlooge Level lost the cupboards, chests and coffers in which he stored evidence of his tenancy: Matthews.

⁷⁴ See ii37 and ii37v.

⁷⁵ See ii28.

⁷⁶ See iii1, iii3 and iii6. No records survive of a court session between 22 Feb. 1615/16 and 14 Jan. 1616/17 (iii7).

⁷⁷ See iii18v.

⁷⁸ See iii21, iii23v and iii25v.

⁷⁹ Hussey et al. Not all its trade was recorded, as the illicit economy flourished here and in the tidal creeks of the Severn, away from the eyes of the customs officials at Bristol and Gloucester: Jones 2016.

⁸⁰ See iii45 and iii55v.

⁸¹ See iii99v–100.

There were some who simply could not pay. On 24 March 1629/30, Robert Thurston's eight perches of sea wall near *Shepperdine Chapel* were presented as 'lacerated and broken'.⁸² The cost of repair was 10s per perch, a not insignificant amount on account of the wall needing to be fortified in some way, presumably with stone, and yet despite being described as 'a poor man not able to perform the same' he was still ordered to complete the work. His wall had previously required repair in 1625, and again in 1629 when it was to be *lined* on the inside and he was to be allowed earth from the *warth* (the grassland beside the Severn).⁸³ Robert was in arrears with his rate on a number of occasions, and the subject of a distraint order.⁸⁴ Despite a gap in the records between 1631 and 1635, the thread of this saga can be resumed on 7 September 1635 when he was sworn to give evidence and it was found that while four perches were his (in the right of his wife), the other six were the responsibility of his brother Edward.⁸⁵ Robert completed the repair, only to have the wall broken again and in decay by the following August at which stage he said that he could not obtain any workmen because of the late harvest.⁸⁶ Robert Thurston was buried at Oldbury on 25 October 1636, shortly before the severe storm of 4 November which wrought much damage and flooding across the Levels.⁸⁷ His widow Alice was ordered several times to repair the wall until the commissioners relented on 25 February 1641/42 and declared, most unusually, that it had come 'to be so lacerated and broken by inevitable accident by the hand of God, and not by the default of the said Alice who is a poor woman not able to repair the same,' and they ordered that wall become a charge on the Level instead.⁸⁸

Volume Four (1635–42), which is also sewn into a parchment cover, begins with a new commission, the juries of the Upper and Lower Levels meeting on site to view all the sea walls etc, and a review ordered of the acreages for each tithing.⁸⁹ The 58 orders made at the following session (31 August 1635) reveal the thoroughness of the surveys — there was much work to be done.⁹⁰ However, apart from the court sitting the following week, it did not meet again until 1 August 1636 when one of the major works was a *new itch* (length) of sea wall at Hill, although unusually it was ordered on a majority verdict with one juror not subscribing.⁹¹ The damage caused by the storm on 4 November 1636 was extensive on both Levels. Many short lengths of wall needed raising to their original height, the sea no doubt having exploited any weakness in the defences. The timescales given to complete repairs varied considerably and

⁸² See iii89v.

⁸³ See iii65 and iii84.

⁸⁴ See iii74v, iii87v and iii92v.

⁸⁵ See iv11v–iv12.

⁸⁶ See iv13v and iv17v.

⁸⁷ GA P237/IN/1/1, p. 35 (Oldbury on Severn parish register). See pp. lxxvii–lxxviii and iv22v(n) regarding the 1636 flood.

⁸⁸ See iv24, iv55v, iv57 and iv87v.

⁸⁹ See iv1, iv2v and iv5.

⁹⁰ See iv5v–10v.

⁹¹ See iv14–14v, the only split decision in these records, and Drager, pp. 112–15 for jurors' powers.

ranged from as little as a fortnight (the shortest in these records) to three months, perhaps indicative of a more professional approach to managing tidal flood risk.⁹²

Under the clerkship of John Baker, treasurer of the previous commission, the records in volume four provide an even greater insight into the administrative detail. Like volume three, there are numerous copies of warrants issued to the surveyors for works they were to oversee, not just concerning Oldbury's sea walls, but also other works. One relates to the maintenance of Main Pill which was the responsibility of commoners from the tithings of Tockington, Gaunts Earthcott, *the Lea*, Hempton and Patchway and Over because it flowed through the Marsh Common.⁹³ This, and the 1835 Court of Sewers maps (which shows where the various tithings held lands),⁹⁴ illustrate the complexities of funding such works. In another case where Main Pill was overgrown, *viewers* were appointed to ascertain who was responsible.⁹⁵ Copies of the warrants issued in respect of rates to be levied, and for distraining the goods of those who refused to pay, appear frequently. Although the commission's accounts do not survive, it is clear that its financial position was difficult during this period.

The records in this volume end on a cliff-hanger — a folded loose leaf of paper with only the first two of the four sides written upon.⁹⁶ Thomas Greening, the long-serving (and some might say long-suffering) surveyor for the Upper Level, was accused of financial misconduct on the final written page, a petition having been made by some of the Oldbury and Kington inhabitants regarding the *splays* and *arch wall* at *Oldbury Mills* and the sea walls there. Greening was ordered to produce his accounts to the clerk by 4 March 1641/42 so that they could be examined ahead of a session on 18 March, and the tenants had to provide proof of where they thought the accounts were in error. The case of Eleanor, the widow of Richard Addams, is detailed, as is Thomas Thurner's supporting evidence, but no more. The remaining two sides of the leaf are blank, and the final bound leaf has been cut from the end of the volume. No evidence of any action has been found in either Gloucestershire Archives or The National Archives.

The final session of this commission was held on 15 April 1642.⁹⁷ The summary provided as a postscript to these records suggests that this was a difficult occasion, and could even account for the way volume four ends so abruptly, and why a leaf is missing.⁹⁸ An order was made that the lords, copyholders and freeholders should all complete the sea wall at Oldbury, but the warrant could not be executed as the English Civil War intervened, and the commission expired. The surviving Court of

⁹² See iv22v-34v. Some of the timescales appear rather optimistic.

⁹³ See iv48-49.

⁹⁴ See endpapers for simplified representations of these maps.

⁹⁵ See iv34v.

⁹⁶ See iv90-90v. The narrative is continuous from iv89v.

⁹⁷ See iv88 and SRO D641/2/C/4/1(vi)E and G.

⁹⁸ See p. 334.

Sewers records resume with volume five on 3 September 1646, a new commission, and a new surveyor for the Upper Level.⁹⁹

Drager's work on the Tudor and early Stuart statutes and commissions of sewers is by far the most comprehensive to date, strongly linking local and national political situations, although (as mentioned previously) some of his assertions and conclusions would perhaps have been presented differently had he studied the Gloucestershire records. Nationally and within Gloucestershire during this period, alongside the routine work of the Courts of Sewers, many of the commissioners were pursuing their own projects to bring marshland into profitable production, something which inevitably caused discontent among those affected and almost certainly coloured some of the orders made within their courts. Much has been written about the draining of the Fens in Lincolnshire, and of the controversies concerning the loss of common land for grazing, riots and the general distrust that built up against those who sought to profit from such works.¹⁰⁰ Parallels can be seen at Slimbridge.¹⁰¹ The attitude towards sewers commissions changed and they were seen to epitomize the 'steady growth of state intervention in national life'.¹⁰² The Grand Remonstrance presented by parliament to Charles I in November 1641 included the complaint that 'Large quantities of common and several grounds hath been taken from the subject by colour of the Statute of Improvement, and by abuse of the Commission of Sewers, without their consent, and against it.'

The area today

In much the same way that ancient trackways and roads persist, many ancient watercourses and drainage systems can still be identified in the Gloucestershire Levels today. This manmade landscape, reclaimed from the sea over millennia, became the home of people who understood water management and accepted occasional tidal inundation. Comparisons with the Gwent Levels can be made through Stephen Rippon's study of their landscape archaeology.¹⁰³ Irregular field-shapes bounded by small winding ditches and *reens* that were once part of a creek system on the salt marsh are found throughout the Gloucestershire Levels. Many of these fields on Northwick Warth retain their medieval ridge-and-furrow, and the route taken by cattle and sheep for summer grazing onto the *warth* can be followed. The more regular fields of later inclosures (e.g. Slimbridge Warth and the marshland within Almondsbury) were made possible through the creation of effective land drainage systems, of vital importance in a low-lying landscape with little gradient. It is no

⁹⁹ A Thomas Greening was buried at Rockhampton on 1 November 1643: GA P271/IN/1/1, p. 26, and Richard Archard of *Greenstreet* was appointed surveyor of the Upper Level on 23 September 1646 (GA D272/1/5, f. 2). The new commission was dated 11 Aug. 1646 and the court sat at Dursley on 3 Sept.

¹⁰⁰ Drager, pp. 162-79 and *passim*.

¹⁰¹ See pp. lxx-lxxii.

¹⁰² Drager, p. 179.

¹⁰³ Rippon 1996; and 2008 pp. 201-49.

coincidence that the oldest surviving farmhouses on the Levels were generally built on slight rises of land, just above ‘ordinary’ floods.

Housing in parishes and hamlets such as Littleton, Rockhampton, Hill, Bevington and Clapton is mainly found on higher ground, but the lands of these places anciently extended across the Upper Level to the Severn, taking advantage of the rich fertile alluvium for summer grazing and arable farming. Examples on the Lower Level are the large parishes of Almondsbury and Henbury whose churches are perched high on the escarpment but once overlooked their extensive marshland. Some settlements lie wholly on the Levels such as Severn Beach, New Passage, Redwick and Pilning, now reliant on substantial sea walls for protection against the powerful storm-charged tides that are a feature of the Severn Estuary: the Binn Wall, today an impressive concrete structure between New Passage and Severn Beach, was mentioned by the same name in 1586 and 1607.¹⁰⁴ Berkeley and Thornbury developed above the floodplain and became the main towns of the area.

Vestiges of a time when the seaward edge of the Levels extended further westward can be seen in several triangular-shaped fields including those immediately south of Berkeley Nuclear Power Station — visual evidence that the sea wall has been retreated due to erosion. The same effect is evident along the route of the railway line as it cuts through Marsh Common at Pilning, chopping fields in half and leaving odd shapes on either side. The M4, M48, M49 and A403 have similarly cut into the landscape of the Lower Level, while the Gloucester & Sharpness Canal splits the fields at Slimbridge on the Upper Level. Such infrastructure interrupted the drainage systems, and while some had to be adapted, others simply pass under these works.

Although warehousing and industry sprawl across a great swathe of the Lower Level (the land having been raised several feet before being built on), reminders of the seventeenth century remain in the form of Ashton Gout and Impool Gout, Red Rhine and Mere Bank Rhine (formerly the *Meereditch Reene*).¹⁰⁵ At the heart of the development of the Avonmouth Severnside Enterprise Area lies the construction of new flood defences and ecology mitigation works. These will deliver 17km of new flood defences on the Lower Level at a height intended to cope with climate change and thereby reducing flood risk to at least 2,500 homes and businesses.

The work of the Gloucestershire Court of Sewers has ceased to be the responsibility of one organization, and landowners and occupiers are no longer expected to fund and undertake directly their own repairs to sea walls and major land drainage mechanisms. Main rivers are now managed by the Environment Agency which has permissive powers relating to sea walls and tidal *outfalls* (which take surface water out to the Severn). The Lower Severn (2005) Internal Drainage Board exercises a

¹⁰⁴ See i34 and ii6. Cole, p. 25, suggests that the Binn Wall is the most important of Gloucestershire’s sea walls.

¹⁰⁵ On *gouts*, see section on land drainage, p. liv.

general power of supervision over all matters relating to water level management within its district of c. 21,000 hectares under the terms of the Land Drainage Act 1991.¹⁰⁶ It currently maintains c. 500km of watercourses annually, and undertakes works to reduce flood risk to people and property in accordance with a number of general environmental duties while promoting ecological wellbeing. Board membership is intrinsically linked to the communities it serves, and income is raised through the rating of agricultural land and a special levy charged on domestic and industrial property via district councils.



Hill Pill, from the outfall to the Severn

Between Shirehampton and Sharpness, webcams help to ensure that any debris likely to interfere with the working of tidal *outfalls* can be seen quickly and removed, thus ensuring that salt water does not ingress inland. However, despite technological advances since 1583, some problems identified in the Tudor and Stuart records continue to challenge current flood risk management. The tides still drop large amounts of silt at Hill Pill and block its *outfall* so that surface water is prevented from fully draining, *cow paths* and *slips* along and over the grass-covered sea walls continue to create low areas, and vegetation has to be kept in check alongside the *reens* which also require periodic desilting to maintain full capacity.

¹⁰⁶ For more details of the Drainage Board's remit see www.lowersevernldb.org.uk and www.ada.org.uk/member_type/idbs/.

Despite modern encroachments, farmland remains the predominant landscape of the Gloucestershire Levels, and much of their natural and cultural heritage was explored and celebrated through the ‘A Forgotten Landscape’ project which also created a series of new walking routes.¹⁰⁷ The routes cover a number of key locations mentioned in the Court of Sewers records, and serve as an excellent introduction to times and places past and present.

[End of extract]

¹⁰⁷ The project ran from 2015 to 2018 www.aforgottenlandscape.org.uk and www.aforgottenlandscape.org.uk/walking-map/ [accessed 25 February 2020].